

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRADLEY BROCK,

Plaintiff,

Case No. 22-10500

Honorable Jonathan J.C. Grey

v.

MONTREAL CLARY,

Defendant.

/

**OPINION AND ORDER REQUIRING SUPPLEMENTAL
BRIEFING ON PLAINTIFF'S MOTION FOR ATTORNEY FEES
(ECF No. 84)**

This matter is before the Court on Plaintiff Bradley Brock's motion for attorney fees. (ECF No. 84.) Having reviewed the motion and applicable briefing, it has come to the Court's attention that Brock's counsel apparently seeks recovery for certain work performed for Brock in relation to a misdemeanor citation for having a dog at large, which ultimately resulted in a nolo contendere plea.

For example, a time entry dated May 17, 2022, appears to be associated with the plea hearing in the misdemeanor case. (ECF No. 84-4, PageID.1210.) It is unclear to the Court: (1) if hours spent on the

misdemeanor were included in the hours sought; and (2) which hours are associated with the misdemeanor. Furthermore, the Sixth Circuit has held that “fees under § 1988 are not recoverable for work performed in a completely separate case, even if, as here, that case involves the same defendant[.]” *Binta B. ex rel. S.A. v. Gordon*, 710 F.3d 608, 631 (6th Cir. 2013).

Consequently, the Court **ORDERS** that Brock **SHALL FILE** supplemental briefing specifying if he seeks fees for time spent on the criminal case, and if so, argument for why he is entitled to those fees. If Brock does not seek to recover fees for hours spent on the criminal case, he **SHALL FILE** an amended attorney fee request, subtracting any hours spent on the criminal case. Such supplemental briefing **SHALL BE FILED** by June 3, 2025. Defendant Montreal Clary may file a response, if any, by June 10, 2025. Brock may file a reply by June 13, 2025.

SO ORDERED.

Dated: May 28, 2025

s/ Jonathan J.C. Grey

Jonathan J.C. Grey

United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 28, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager